<div align="center">REMARKS</div>

Pending Claims:

In this application, claims 1-10 are currently pending. Claims 1-3 are amended by this Response. Claims 4-10 have been added. Entry of these amendments is respectfully requested.

Rejection under 35 U.S.C. §102(b) and §103

The Examiner has rejected claim 1 as being anticipated by Niamir, U.S. Published Patent Application No. 2002/0027567. The Examiner rejected claims 2 and 3 as obvious in light of Niamir based upon the distinctions between Niamir and the claims being only nonfunctional descriptive material.

The Applicant has responded to this rejection by amending claims 1-3 and adding claims 4-7. Claim 1 now defines a system that aggregates data from two businesses, and presents a portion of the data back to two servers operated by the two businesses. This data portion is defined in a mark-up language. The servers respond to user requests by transmitting pages that contain the unaltered mark-up language along with information about the businesses. This claim is distinguished from Niamir in two distinct ways.

First, Niamir defines a system where a central search server (16) receives listings from local listing servers (12), and where users interact directly with the local listing servers (12). Niamir, paragraphs 39-42. These local listing servers communicate directly with the central search server to submit search queries and receive result listings (paragraph 87). In contrast to the two-layer hierarchy of Niamir (local listing servers and the central search server), claim 1 defines a three-layer hierarchy. A user browser communicates with a web server, which receives the aggregated data portion from the central server system. This three-layer hierarchy is vital to the present invention, since users are able to interact with different web servers (i.e., server one and server two of claim 1), with each web server operating for a different business. By allowing the same aggregated data portion to form part of two separate data paths to end users, each business can present this data to the end user through their own portal. As explicitly stated in the claim language, this ability allows pages transmitted by the first web server to contain both the aggregated data portion and information about the first business, while pages transmitted by the second web server contain the same

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aggregated data portion along with information about the second business. This ability is not found in, taught by, or suggested by Niamir.

In addition, Niamir requires specialized software (a local listing server 18) to communicate with the central search server 16. Niamir, paragraph 42. This software contains a custom user interface rather than general browser software (paragraph 75). In contrast, the present invention is unique in that it receives the aggregate data portion in a mark-up language at a plurality of web servers, and in that these web servers *do not alter* the mark-up language received from the central server software before submitting this data to the browsers of end users. This system creates a unique advantage not found elsewhere in the prior art in that the web server of each contributing business need not alter, manipulate, or even understand the aggregated data portion received from the central server system. Instead, it is merely passed on without alteration. As noted in dependent claim 4, this can allow selecting, searching and sorting tools to be built into the aggregated data portion without the need for programming the web servers of the first and second businesses. In contrast, the local listing servers of Niamir do not forward any information on to browsers in an unaltered format, but instead are specially programmed to understand all communications with the central search server and present this information directly to the user through a user interface. See, e.g., Niamir, paragraphs 75-90. Thus, newly amended claim 1 is a nonobvious improvement over Niamir because it requires that the aggregated data be presented to end user browsers by the web servers of two different companies, and because each web server submits the aggregated data portion to the end users in the same, unaltered mark-up language in which the aggregated data portion was received from the central server system.
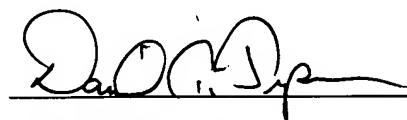
In addition, new claims 6-9 contain a limitation in which the aggregated data portion does not contain any identifying information from the aggregated data collection. This identifying information identifies the business that originated elements of the aggregated data. By removing this information, the end users will be required to contact the business that provided the data if they wish to obtain information on how to purchase an item. If the information was not filtered, the end user could contact the selling business directly. This ability to filter identifying information before presentation to end users is not found in the prior art and is unique to the present invention.

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CONCLUSION

All of the claims in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,
NARDAQ CORP.
By its attorneys:

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